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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff.

V.

DAVE H. BUNDY

Defendant.

Case No.: 2:16-CR-00046-GMN-PAL

**POTTER LAW OFFICES' MOTION TO
WITHDRAW AS COUNSEL**

COMES NOW Defendant, DAVID BUNDY, by and through his counsel, CAL J.

POTTER, III, ESQ. and C. J. POTTER, IV, ESQ., of POTTER LAW OFFICES, and pursuant to Local Rule IA 11-6 of the U.S. District Court Rules, District of Nevada, hereby moves to withdraw as attorneys for Plaintiff.

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This Motion is based upon the following Points and Authorities and the Declaration of Counsel.

DATED this 10th day of October, 2017.

POTTER LAW OFFICES

By /s/ C. J. Potter, IV, Esq.
CAL J. POTTER, III, ESQ.
Nevada Bar No. 1988
C. J. POTTER, IV, ESQ.
Nevada Bar No. 13225
1125 Shadow Lane
Las Vegas, Nevada 89102
Attorneys for Plaintiff

MEMORANDUM OF POINTS AND AUTHORITIES

I.

DECLARATION OF COUNSEL

C. J. Potter, IV, being first duly sworn, and says:

1. That Your Declarant is duly licensed to practice law in the State of Nevada, and in that capacity is the associate attorney for Cal J. Potter, III, Esq;

2. That Cal J. Potter, III, Esq. and C. J. Potter, IV, Esq. are the only two attorneys at Potter Law Offices and C. J. Potter, IV, Esq.;

3. That Cal J. Potter, III, Esq. underwent emergency brain surgery on July 29, 2017, and remains in skilled nursing for indeterminate time, and will require oncological treatment;

4. That immediately thereafter C J. Potter, IV contacted the State Bar of Nevada, and was informed that he is an associate attorney, and that the clients of Potter Law Offices are Cal J. Potter, III's clients;

5. That Cal J. Potter, III was diagnosed with a primary grade 4 Glioblastoma affecting his parietal, temporal, and occipital lobes;

6. That Cal J. Potter, III's present physical condition materially impairs the lawyer's ability to represent his clients;

7. That without Cal J. Potter, III, Esq. physically able to practice law, C. J. Potter, IV, Esq. cannot continue with representation in this matter;

8. That requiring C. J. Potter, IV Esq. to represent Mr. Bundy will result in an unreasonable financial and burden on the lawyer;

9. Based upon all of the foregoing, good cause for withdrawal of C. J. Potter, IV exists;

10. Accordingly, Cal J. Potter, III, Esq. and C. J. Potter, IV have an ethical obligation to withdraw as counsel in this matter.

11. The foregoing is true and correct under the penalty of perjury of the laws of the State of Nevada;

/s/ C. J. Potter
C. J. POTTER, IV, ESQ.

II.

ARGUMENT

POTTER LAW OFFICES' HAS AN OBLIGATION TO WITHDRAW FROM THIS MATTER

Nevada Rule of Professional Conduct 1.16(a) provides in part that: a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client. Additionally, Rule of Professional Conduct 1.16(b)(7) provides that a lawyer may withdraw from representing a client if good cause for withdrawal exists.

An attorney may file an application to withdraw from representation of a client "by leave of court after notice served on the affected client and opposing counsel." Local Rule IA 11-6.

Local Rule 11-6 provides that "except for good cause shown, no withdrawal or substitution shall be approved if delay discovery, the trial or any hearing in the case would result." Local Rule IA 11-6. Where delay would result, the papers seeking leave of court for the withdrawal or substitution must request specific relief from the scheduled trial or hearing." Local Rule IA 11-6.

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Here, there are extreme extenuating circumstances concerning counsel of record's health and the attendant burdens placed upon his son and associate that demonstrate good cause to withdraw as counsel.

III.

CONCLUSION

Based on the foregoing reasons Counsel respectfully requests to withdraw as counsel of record in any further actions or proceedings

DATED this 10th day of October, 2017.

POTTER LAW OFFICES

By /s/ C. J. Potter, IV, Esq.
CAL J. POTTER, III, ESQ.
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Nevada Bar No. 13225
1125 Shadow Lane
Las Vegas, Nevada 89102
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 10th day of October, 2017, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all counsel of record.

- Facsimile
- U.S. Mail
- Hand Delivery
- Electronic Filing/Service

David Bundy
ID # 46088374
Nevada Southern Detention Center
2190 E. Mesquite Avenue
Pahrump, Nevada 89060

/s/ Stacie Comerio
An Employee of Potter Law Offices